

# **Town of Embden**

## **Minutes of the Board of Selectmen**

~

**February 7, 2011**  
**7:00 PM Meeting held at the Embden Town Office**

**In attendance was:** Wayne McLaughlin, Scott Lehay, Charles Taylor, Joe Creamer, Frank Nile, Ruth Blake, Elizabeth Pratt, Heidi Vicneire, Michael Witham, and Bonnie Baker

- 1 Wayne McLaughlin called the meeting to order at 19:06.
- 2 The meeting began with the Pledge of Allegiance.
- 3 **Consent Agenda:**
  - 3.1 Approved the minutes of the Board of Selectmen dated January 17, 2011 accepted as written. (3-0).
  - 3.2 Approved Warrant #3 totaling \$56,555.45. Approved (3-0).
- 4 **Community Relations, Announcements, and Open Public Forum:**
  - 4.1 **Open Public Forum :**
    - 4.1.1 F. Nile asked what would be done about the section of new hot top on the East Shore Road that was broken up. M. Witham stated that drainage would be put in in the spring. F. Nile asked whether M. Witham's company would pay for the repairs. M. Witham said no. F. Nile asked why a project of that size was not put out to bid, and why any company doing work like that for the town was not required to be bonded. He added that if his company had done the work, they would have been required to fix it, and asked why the town now had to pay to do the work again. J. Creamer asked why you would want to send work out to bid instead of using people in town. He said that Sam White had messed up a road in town when he was the road commissioner that the town then paid to fix. F. Nile replied that if S. White messed it up, then he should have paid to fix it. J. Creamer stated that if it were put out to bid it would have to be done by an engineer, and if springs or something popped up that weren't in the original bid, then that would be considered "bid plus." F. Nile asked whether the town should start having contracts. He said that the Road Commissioner was "an agent of the town." He added that the townspeople had not, "elected [the Road Commissioner's] equipment or [the Road Commissioner's] company, they elected [the person]." He asked whether if the people working for S. White did not plow the roads he would be liable. C. Taylor said yes. He said that he had "seen the thing" and it had been discussed with M. Witham at the last meeting. He added that Dayrl Partridge had driven on the road 2 days after it was done. F. Nile asked, "If you're saying that Dayrl did it, then why isn't he paying to fix it?" M. Witham replied that it was one spot. F. Nile said that it was more than one spot. C. Taylor agreed, but stated that it was in a repairable area. He added that there was no law saying that a bid has to be done. He said that anything lasting over 1 year, or costing more than \$125K, had to go out to bid. He stated that it was not an issue of trust, but that there was "a better way of doing things." He said that the Selectmen needed to protect the town. He stated that he felt the town should have a public works department. F. Nile asked whether the Selectmen could look into a contract that would make it so there was accountability. J. Creamer argued that doing that would mean that no one local could get the work. He added that if you went to work for the state, there was a foreman and flaggers, but all the equipment was private. C. Taylor stated that he didn't feel that M. Witham had let them down. F. Nile replied that he wasn't saying that either. C. Taylor said that he had looked through all this stuff, and had not found much to protect the town. E. Pratt asked whether this was the only project of M. Witham's that had ever been messed up. M. Witham said yes. E. Pratt replied that, "stuff happens." Discussion continued. S. Lehay stated that he understood the concerns, however bonding was expensive. F. Nile asked whether the people who worked on the summer roads had insurance. M. Witham replied that they all did. He added that he would contact his insurance to see whether they would cover the road repairs. He said that he could feel it the day that they were hauling the supplies in to pave the road, but "what do you do?"

- 4.1.2 J. Creamer stated that in Solon they only spent \$50K on winter roads, with 2 guys. S. Lehay replied that most likely that amount only included the labor.
- 4.1.3 F. Nile asked why the town plowed J. Creamer's driveway. M. Witham said if they didn't then the Slipp Road wouldn't be done either. C. Taylor stated that there were a bunch of roads in Embden that could be rescinded. J. Creamer replied that if the town tried to rescind his road they could expect a lawsuit. He said that it had to be plowed where someone lived there permanently. C. Taylor stated that the town plowed 41.85 miles of road. R. Blake asked whether that road was difficult to plow. M. Witham and F. Nile replied yes. R. Blake asked if there was any way to make it any easier. F. Nile replied, "Yeah, stop plowing it." C. Taylor read from information concerning closing roads to winter maintenance. He added that the Selectmen had the template to do it if they needed to. He stated that a petition would be needed from at least 7 voters, then a public hearing would have to be held. It had to be filed with the clerk, and could run from 1-10 years in length. He said that it would have to be voted on at town meeting, and could then be appealed to the County Commissioners. E. Pratt stated that that would cost a lot of money. F. Nile replied that it would cost a lot less than plowing a driveway for just 1 person.

**5 Appointments & Resignations: None**

**6 Department Officials Reports:**

**6.1 Board of Assessors** – No Report

**6.2 Planning Board** – No Report

**6.3 Plumbing Inspector** – No Report.

**6.4 Board of Appeals** – No Report

**6.5 Code Enforcement Officer** – No Report.

**6.6 Health Officer** – No Report

**6.7 Road Commissioner** – M. Witham stated that everything was going good.

**6.8 M.S.A.D. #74** –

**6.8.1** J. Creamer stated that the district was going to be losing state and federal funds according to the newspaper.

**6.8.2** S. Lehay stated that there would be a school board meeting tomorrow in Solon, and a public hearing Wednesday on the AOS.

**6.8.3** W. McLaughlin said he had seen on the news where the legislature was talking about charter schools.

**6.9 Animal Control** – No Report

**6.10 E-911** – No Report

**6.11 Recreational Director** – No Report

**6.12 Town Clerk/Treasurer** –

**6.12.1** B. Baker apologized for not having the Expense-Revenue report and stated that she would have it for the next meeting.

**6.12.2** She stated that the auditor would be here Friday.

**6.12.3** B. Baker submitted a report on outstanding 2006-9 taxes.

**6.12.4** She stated that 21 foreclosure notices went out last week and would come due the week before town meeting.

**6.13 Tax Collector:**

**6.13.1** R. Blake submitted a report to the Selectmen on 2006-9 outstanding taxes.

**6.13.2** She stated that she had sent out reminder letters to those with outstanding amounts.

**6.13.3** W. McLaughlin stated that he was still having mail come in for the Tax Collector to his PO Box, and asked R. Blake to straighten it out. B. Baker said that you really can't, and added that the town still had mail being brought in from John Mullin that came to his address

**6.13.4** C. Taylor stated that, "Bottom line, we are waiting on \$150K, non-liened."

**6.13.5** C. Taylor said, "Thank you Ruth."

**6.14 Winter Roads Contractor:** No Report.

**6.15 School Building Committee:**

**6.15.1** W. McLaughlin asked whether anything needed to be done with snow on the roof. S. Lehay said, "Yeah, we probably gotta get it off." He reminded everyone that the roof of the school was concave, so if you walked to the middle and put a stick down it would go down a long ways. F. Nile offered to clean the roof off free of charge with a snow blower. W. McLaughlin

said that he would contact Jeff Goodwin to see how much he would charge. C. Taylor stated that he would go with W. McLaughlin's recommendation this year, but hoped that things would be lined up better before next year and bid out. He said that this year he and S. Lehay had allowed W. McLaughlin to pretty much make the determination and hire the people. W. McLaughlin said that he would contact Jeff Goodwin to see how much he would charge. S. Lehay asked him to find out. C. Taylor asked W. McLaughlin to check with J. Goodwin and other people in the area.

**6.15.2** W. McLaughlin asked about shoveling out the doors. S. Lehay stated that Mike Cote, a high school kid who lived across the street would do it. C. Taylor asked whether the town should hire a kid. W. McLaughlin asked what the difference was between hiring him and hiring young Sam White to shovel out the fire hydrants. C. Taylor stated that the town could pay W. McLaughlin and he could then give the money to Mike Cote in cash. Selectmen discussed amounts. S. Lehay stated there were 6 doorways. F. Nile asked whether they all had to be shoveled. S. Lehay said yes, for insurance. S. Lehay recommended \$30 for the first time, and \$20 per storm thereafter. J. Creamer stated that the back door would take a long time because it was really buried. F. Nile offered to bring over S. White's loader and do it for the first time free of charge. J. Creamer said, "No. We'll take care of it ourselves." W. McLaughlin said, "Joe's shaking his head," and I believe that this event we're having on the 19<sup>th</sup> we are going to pay him to clean out back there. C. Taylor stated \$30 for the first time and then \$20 after that, paid on the warrant to W. McLaughlin.

**6.15.3** W. McLaughlin asked S. Lehay to check the gym floor at the school. He said he wasn't happy with it and wanted to see what S. Lehay had to say.

**6.15.4** He asked how many chairs the school could lend them. He said the town had 150. S. Lehay said 100. R. Blake said they would need more than that. S. Lehay said if they put much more than that the fire marshall might come and shut them down.

**6.15.5** W. McLaughlin asked whether the money to pay for J. Creamer should be taken out of "our money." C. Taylor said no, he would like to see it on the warrant. He said, "From this point forward keep your money if you can keep it in a safe account somewhere." W. McLaughlin stated that Ramona McLaughlin was the Treasurer and she turned the money into B. Baker, but he didn't know what B. Baker did with it after that. B. Baker replied, "I deposit it. You can look right at the slips and receipts and find every penny that's been turned into me."

**6.15.6** J. Creamer stated that the amount he was getting paid per storm was not enough, because he was plowing more of an area than he had agreed to. He said he would like to get an additional \$25 per storm, bringing the amount to \$65 per storm. C. Taylor stated it was W. McLaughlin's call. W. McLaughlin asked about plowing for the event on the 19<sup>th</sup>. J. Creamer said that he would have to talk to E. Creamer because it involved clearing out an even bigger area. C. Taylor said he wished J. Creamer had, "looked at it before [he] had thrown a number at us." J. Creamer reminded that the Selectmen had just agreed to pay \$20 a storm to shovel the doors. He said he wanted \$25 more, but would do it for \$20. W. McLaughlin stated the Selectmen would pay J. Creamer an additional \$25 per storm for plowing.

**6.15.7** F. Nile asked whether the Selectmen would know the costs of keeping the school open before it was voted on at town meeting. W. McLaughlin said no, because it would depend on what the townspeople voted to do with the building. Discussion continued.

**7 Old Business:**

**7.1 Donations:** E. Pratt reported on the phone calls she had made to those seeking donations from the town.

**8 New Business:**

**8.1 Review & Sign March 5, 2011 Town Meeting Warrant-** Selectmen reviewed and signed warrant.

**9 Next Meeting Announcement & Adjournment**

**9.1** Next Regular Selectmen's Meeting – Monday, February 21, 2011

**9.2** Motion to adjourn made by S. Lehay (2<sup>nd</sup>: C. Taylor). Adjourned 21:15.

Minutes submitted by:

Bonnie A. Baker  
Town Clerk & Treasurer